

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66478 of 2019**

Arising Out of PS. Case No.-39 Year-2019 Thana- BARHARA KOTHI
District- Purnia

- =====
1. RAMJEE YADAV Son of Late Kushum Lal Yadav Resident of Village - Mouzjampatti, P.S.- B. Kothi (Raghubansh Nagar), Distt.- Purnea.
 2. Gauri Shankar Yadav Son of Ramjee Yadav Resident of Village - Mouzjampatti, P.S.- B. Kothi (Raghubansh Nagar), Distt.- Purnea.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Praveen Kumar Agrawal, Advocate.
For the Opposite Party: Mrs. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 18-12-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 506, 120(B) of the Indian Penal Code, Section 3/4 of the Explosive Substance Act and Section 27 of the Arms Act registered in connection with Barhara (Raghubanshnagar) P.S. Case No. 39 of 2019.

3. At the very outset, learned APP submits on the basis of paragraph-8 of the supplementary case diary that process under Section 82 Cr. P.C. has already been concluded against the petitioners and as such the anticipatory bail petition



is not maintainable.

4. In the above view of the matter, the anticipatory bail petition cannot be entertained in view of the observations of the Apex Court in the case of *Lavesh vs. State (NCT of Delhi)*, (2012) 8 SCC 730, in para 12 whereof it has been observed as follows -

"12. From these materials and information, it is clear that the present appellant was not available for interrogation and investigation and declared as "absconder". Normally, when the accused is "absconding" and declared as a "proclaimed offender", there is no question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code is not entitled the relief of anticipatory bail."

5. Similar view has been expressed in *State of M.P. vs. Pradeep Sharma*, (2014) 2 SCC 171.

6. The anticipatory bail petition stands dismissed as not maintainable.

(Vikash Jain, J)

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